IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE G.CHANDRAIAH

WRIT APPEAL NO : 1215 of 2005

&

Writ Petition No. 11546 of 2005

-

WRIT APPEAL NO : 1215 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 10/06/2005 in W.V.M.P. NO. 1385 OF 2005 IN W.P.M.P. NO. 14774 OF 2005 IN WP NO : 11546 OF 2005 on the file of the High Court.)

Between:

A.P. Perika Sangam (registered No. 2416/82) rep by President Dasari Mallesam S/o Naraiah R/o Syndicate Bank Colony, V.V. Nagar, Dilsukhanagar, Hyderabad.

..... APPELLANT

AND

1 The A.P. Commission for Backward Classes 8th Floor, Chandra Vihar, M.J. Rad, Nampally, Hyderabad, rep by Member Secretary
2 The Government of Andhra Pradesh rep by Principal Secretary, Backward Classes Welfare Department, Secretariat Buildings, Hyderabad.

.....RESPONDENTS

And

WRIT PETITION NO : 11546 of 2005

Between:

A.P. Perika Sangam, (reg No 2416/82) Represented By its President,
Dasari Mallasham S/o. Narsiah, R/o. Syndicate Bank Colony,
VV Nagar, Dilsuknagar, Hyderabad.

..... PETITIONER

AND

1 The A.P. Commission For Backward Classes 8th Floor, Chandra Vihar, M.J. Road
Naampally, Hyderabad rep by its Member Secretary.
2 The Government Of Andhra Pradesh represented by its principal Secretary,
Backward Classes Welafare Department, Secretariat Buildings, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or order or direction more particularly in the nature of mandamus declaring the action of R1 in not furnishing the documents sought by the petitioner as well as not disclosing the methodology but completing the inquiry and hearing thereby disabling the petitioner from further participating in the public enquiry as arbitrary, illegal, unjust, contrary to law, in violation of Article 14 of the Constitution of India, contrary to the provisions of A.P. Commission for Backward Classes Act, 1993 and Regulations made thereunder apart from being contrary to the ratio of Indra Sawhney case reported in 1992(3) SCC217 and Muralidhar Rao's case reported in 2004 (6) ALD1 and issue a consequential direction to the respondent No. 1to furnish the documents sought by the petitioner and proceed with the hearing thereof and direct R1 and R2 to act further only after considering the comments objections submitted by the petitioner and pass such order or orders as are deemed fit and proper in the facts in circumstances of the case.

Counsel for the appellant :Mr. L. Ravichander for M/s. C. Kodanda Ram

Counsel for the Respondents: GP FOR SOCIAL WELFARE
(In both writ appeal and writ petition)

The Court made the following :

-
-
-
-
-
-
-
-
-

COMMON ORDER: (per the Hon'ble Sri Bilal Nazki, ACJ)

The writ petition was filed seeking a direction that Respondent No. 1 should not file a report as some copies of certain documents were not made available to the petitioners by Respondent No.1. An interim order was passed by the learned single judge directing the 1st respondent to furnish the material sought by the petitioner. This order was vacated when a vacate stay petition was filed by an order of this Court on 10.6.2005. Appeal has been filed against that order. In the meantime, it is noticed that the 1st respondent gave a report which was consequently accepted by the Government, which resulted in issuing of an Ordinance. As such, the present writ petition has become infructuous and no further orders can be passed in the writ petition and is accordingly dismissed.

But, however, Mr. L. Ravichander, learned counsel appearing on behalf of the appellant-writ petitioner submits that since the final Ordinance has also been challenged, the grounds taken in the writ petition may also be permitted to be taken before the appropriate Court in which the Ordinance has been challenged.

We are making it clear that we are not giving any finding on the issues raised in the writ petition and issues if any can be raised by the petitioner in case he has filed any writ petition challenging the Ordinance.

In view of the dismissal of the writ petition as having become infructuous, the writ appeal also fails and the same is accordingly dismissed. No costs.

_____

BILAL NAZKI, ACJ

DATE: 4th July, 2005

_____

G. CHANDRAIAH,J

pnb

To

1 The Member Secretary, A.P. Commission for Backward Classes, 8th Floor, Chandra Vihar, M.J. Rad, Nampally, Hyderabad,
2 The Principal Secretary, Backward Classes Welfare Department, Government of Andhra Pradesh, Secretariat Buildings, Hyderabad.

3 Two C.Cs. to the Government Pleader for Social Welfare, High Court Buildings, Hyderabad. (OUT)

4 Two C.D. copies